

BOSTON GLOBE

Treasurer proposes legislative fix to Nashoba Valley Winery license confusion

By [Dan Adams](#) Globe Staff June 28, 2016



Aram Boghosian for The Boston Globe

State Treasurer Deborah Goldberg

In an effort to end a controversy that has put a spotlight on the state's unwieldy liquor laws, Treasurer Deborah Goldberg has drafted legislation that would allow the popular [Nashoba Valley Winery](#) to continue serving its own wine, beer, and spirits at a restaurant it runs on its Bolton farm.

The proposed bill would explicitly permit the state's dozens of "farmer-wineries" to simultaneously hold two state liquor licenses: one permitting the production and pouring of drinks on their farms, and another to serve drinks at an on-site restaurant. The restaurants would be barred from serving alcohol made elsewhere, however.

Controversy erupted earlier this month when [WBUR reported](#) that the state Alcoholic Beverages Control Commission had told Nashoba it would have to choose between renewing its restaurant pouring license and the three licenses it needs to manufacture and serve wine, beer, and spirits — even though Nashoba had successfully applied for all four licenses in each of the past 13 years.

Officials at the ABCC, which is overseen by Goldberg's office, contended that state law technically prohibits one company from simultaneously holding the production and restaurant licenses.

Nashoba owner Rich Pelletier, whose picturesque farm routinely draws thousands of visitors for apple picking and wine- and beer-tastings, sued the ABCC. He said its decision would force him to close the restaurant and lay off nearly 50 workers, and argued that the law's wording was only intended to prevent farmer-wineries from running off-site bars.

Privately, officials conceded that Nashoba's business posed little public threat, but the ABCC said its hands were tied by the wording of the law.

The case prompted widespread derision, including from Governor Charlie Baker, who said the sudden crackdown sent a "bad message" to small businesses.

"We think his position is thoroughly defensible and we want to support him," Baker told the State House News Service on Monday.

Goldberg's new measure, a draft of which was provided to the Globe, has not yet been formally submitted to the Legislature. A spokeswoman said Goldberg was working with legislators to pass the bill before the end of the legislative session in July.

A Baker spokeswoman said the governor was unaware of the legislation, which would also let farmer-breweries and farmer-distilleries serve their products at on-site restaurants.

Pelletier welcomed the bill, saying even the officials charged with enforcing the state's liquor laws could never articulate why it was wrong for him to serve drinks at his restaurant.

"Frankly, this is what I thought the law already was," Pelletier said. "Someone comes up and says, 'you're breaking the law,' but they can't cite any reason for it. I'm glad they want to change it."

Pelletier's lawyer, John Connell, said he would need to carefully review the law's language. He called on Attorney General Maura Healey, whose office is defending the ABCC, to drop her opposition to Nashoba's lawsuit. A hearing on the case is scheduled for Wednesday.

"What I want to hear is a declaration from the Commonwealth of Massachusetts that Nashoba can continue to do what it's always done, end of story," Connell said. "If that's the case, no hard feelings, case over. Anything less than that? We'll see you in court Wednesday."

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Healey's office suggested the lawsuit — and perhaps even Goldberg's measure — are unnecessary. A spokeswoman said in a statement that prosecutors believe "the current law allows Nashoba to renew its licenses and operate as it has for many years," and that they would work with Nashoba and the ABCC on a solution.

Past attempts to improve the state's byzantine alcohol laws and regulations have resulted only in further problems. For example, a 2014 law that allowed consumers to mail-order wine from vineyards in other states [accidentally deleted another law](#) that allowed local farmer-wineries to distribute their own wine and cider to nearby restaurants, bars, and stores — as they had done for years without incident.

The problem required an emergency fix to be rushed through the Legislature at the end of that year; former Governor Deval Patrick [signed it into law just moments before Baker's inauguration](#), one of his last official acts in office.

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